



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,813	05/14/2001	Michael J. Kobb	22407 - 05443	1543
20306	7590	10/23/2006	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			BOCCIO, VINCENT F	
300 S. WACKER DRIVE			ART UNIT	PAPER NUMBER
32ND FLOOR				
CHICAGO, IL 60606			2621	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/855,813	KOBBI, MICHAEL J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vincent F. Boccio	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on RCE & Amendment 8/7/06.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 24-38 is/are allowed.
- 6) Claim(s) 1-4,7,9-12 and 15-21 is/are rejected.
- 7) Claim(s) 5,6,13,14,22 and 23 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 5/14/01 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2621

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

**Response to Arguments**

1. Applicant's arguments filed 12/8/05 have been fully considered but they are not persuasive.

{A} In re page 11, applicant states, claims 1, 8, 17 in accord to the examiner's suggestion.

In response the claim has not been amended in accord to the examiner's suggestion.

Applicant does have support as found by the examiner, paragraphs [0045-0046],

"Recorded Programs UI 600 preferable presents the user with "play" and "Play from the beginning" menu choices ... the DVR 100 treats the point in the recorded program corresponding to the scheduled program start time (i.e., the start time in the channel guide database 112) as the beginning."

Therefore there is support, but, not amended to positively claim what is disclosed, the placement of the limitation and how it is recited has not changed the scope of the claim, please amend more clearly or in accord to the specification.

**Drawings**

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

While Fig. 5 represents setting events with extensions, before and after, as claimed in claim 1 etc..., there is no play button corresponding to, paragraphs [0045-0046], a button which will cause playback at the scheduled time, even though recording started prior to.

The new claims 24, 29 and 35, have a feature not shown, the counter indicating time base which elapses from the scheduled,

Art Unit: 2621

rather than the beginning, also the claims directed toward negative time, are also not shown in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted, by the examiner the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

Art Unit: 2621

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 8-9, 12, 15, 16, 17-18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6141,488) in view of Aotake (6,411,771).

Regarding claims 1-4, 8-9, 12, 15, 17-18, 21 the examiner incorporates by reference the last action against claims.

Regarding claim 1, Knudson discloses and meets the limitations associated with a method and associated apparatus for recording data, comprising:

- establishing a scheduled start time (Fig. 2, EPG) to start recording the data, the recording starting at a time prior (such as Fig. 5, CH4 starts at 2:59, while the EPG would indicate 3:00, 1 minute prior), to the scheduled start time (met by either Prior art Fig. 4 or Knudson Fig. 5); and

Knudson anticipates playback of recorded data but, fails to disclose from the beginning playing the recorded data starting with the data recorded at the scheduled start time.

Since the claims are comprising, the examiner takes official notice that it is well known, that user can provide a time parameter to search for a starting point to reproduce from, as is well known to those skilled in the art, allowing for a user specified starting points for reproduction.

Aotake, (Sony/July 8, 1998, US 6,411,771), which is a recording system with TV tuner Fig. 5, timer recording operation Fig. 7, tape setting Fig. 8, quality settings Fig. 10, having an interface control Fig. 15 for recorded material, having a time display 345, having a slider being a means for a user to select a start of reproduction time or a time input slider bar with associated numeric time indication display, a play button to enter a command dictating playing at any point desired, start time or after or anytime, therein the clock display can be changed between

- lapsing time;
- remaining;

Art Unit: 2621

- a recording point.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Knudson by incorporating a user input means to dictate a start of reproduction time, therefore, obvious the user can select 3:00, based on the scheduled start time, thereby allowing and providing a means to a user to select, a start time as desired using a time parameters, as is obvious to those skilled in the art.

The claims 1, 8 and 17 have been amended, as such:

"responsive to a command to play" (user selects play, but may comprise another user interaction prior to selecting play), the claims further recites,

"the recorded data from a beginning and without any further user input", (no user input is required after selecting play), but as claimed allows the user to select a point first, selects play for that point and no further input is required, as claimed.

The rejection is maintained.

Claims 7, 10-11, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6141,488) in view of Wehmeyer et al. (US 5,682,206).

Regarding claims 7, 10-11, 19-20, the examiner incorporates by reference the last action against the claims.

#### **Allowable Subject Matter**

Claims 24-38 are allowed for the reasons of record.

Claims {5, 13, 22}, {6, 14, 23} are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach, disclose or suggest, claims 5, 13 & 22, wherein even though, the beginning of recording was extended, the recited counter counting elapse time from the scheduled rather than the beginning, is not known in the art.

Art Unit: 2621

Claims 6, 14 & 23, the prior art also fails to disclose, when a recording has been extended from the beginning to provide a counter that counts recorded data between the record start and scheduled start time as negative time.

**Contact Fax Information**

Any response to this action should be faxed to:

(703) 872-9306, (for communication intended for entry)

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
10/15/06



VINCENT BOCCIO  
PRIMARY EXAMINER